

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR
PUERTO RICO,**

As representative of

**THE COMMONWEALTH OF
PUERTO RICO**

Debtor

PROMESA

Title III

No. 17 BK 3283-LTS

MOTION REQUESTING ORDER, AND RELIEF OF PARTIAL STAY

TO THE HONORABLE COURT:

COMES NOW the creditor Javier Pérez-Rivera, represented by the undersigned counsel, and respectfully states and prays as follows:

1. On July 12, 2017, the Honorable Court issued Memorandum Order Granting Motion Of Javier Pérez-rivera For Relief From The Automatic Stay . [Docket no. 620]. In the said order, Honorable Court “lifted to permit the rendering, but not the enforcement” of an award of Mr. Perez arbitration against the Department of Labor and Human Resources (“DLHR”). The Honorable Court also ordered that “[t]he stay continues to apply in all other respects, including as to entry and execution of judgment and as to the Lawsuit in its entirety, but this decision is without prejudice to Movant’s right to seek further relief from the automatic stay in the future.”
2. On August 31, the Arbiter issued an award in Mr. Perez’ favor and ordered his reinstatement in the job.
3. The DLHR moved to challenge the award in the State Court, but it’s request was dismissed on February 15, 2017.

4. In a good faith effort, and following Third Amended Notice, Case Management and Administrative Procedures (Docket No. 1512-1), the appearing party requested to the State's attorneys the complete lift of stay of Mr. Perez' claims. [See attachment 1]
5. On February 20, 2018, Ms. Claudia A. Juan-García, of the Department of Justice, declined our request arguing and "early procedural stage of the action." [See attachment 2].
6. On February 21, 2018, the appearing attorney replied that there was already an award ordering the reinstatement and asked if there was an objection to it. Nevertheless, to this date DLHR has not answered if there is an objection to the job reinstatement neither Mr. Perez has been admitted again to his job.
7. Mr. Perez already won an arbitration award that concluded that he was wrongfully discharged. Therefore, the case is not only in and advance stage, but already most of the controversies has been adjudicated.
8. Pending in this case is the adjudication of back pay and damages, causes of action pending in the state Court.
9. Nevertheless, there is no legal or practical justification to block Mr. Perez from returning to his job. The appearing party requests to the Honorable Court to order the DLHR to reinstall of Mr. Perez in his job.
10. For more than a year, Mr. Perez has been deprived of his salary and a worthy way to make a living for himself and his family. This cause to him loss of income and damages.
11. Therefore, the appearing party also requests to the Honorable Court to lift the stay in order to allow Mr. Perez to continue to pursue his claim of back pay and damages.

WHEREFORE, it is requested to the Honorable Court to:

1. Order the Department of Labor and Human Resources to, without delay, reinstall Mr. Perez his Job.

2. Lift the stay of Mr. Perez back pay and damages claims, state court case C DP2016-0070.

CERTIFIED: That copy of this motion has been filed through the CM/ECF system, which will serve notice electronically to all counsel of record in the case.

In San Juan, Puerto Rico, May 26, 2018.

s/ Pedro J. Landrau López
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